



MERRILL G. DAVIDOFF

MANAGING SHAREHOLDER, CHAIRMAN EMERITUS

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September 28, 2021

VIA ECF

Honorable Valerie E. Caproni
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In Re Commodity Exch., Inc. Gold Futures & Options Trading Litig.*, No. 14-MD-2548

Dear Judge Caproni:

Per your honor's Order dated September 21, 2021 (ECF No. 594), Plaintiffs' counsel have updated the settlement website to reflect the new date and time of the Fairness Hearing (October 21, 2021, 10:00 am EDT).

Attached are partial screen shots of the Home Page and FAQs Page of the dedicated settlement website showing the update. The Claims Administrator's Office has also confirmed that all mentions within the website of the Fairness Hearing have been updated to reflect the new date and time.

In addition, a copy of the September 21, 2021 Order (ECF No. 594) has been uploaded to the "Documents" section of the website for additional information concerning the Fairness Hearing.

If your Honor requests anything further, counsel is ready and available to respond.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'M. Davidoff', written over a light blue horizontal line.

Merrill G. Davidoff

Attachments

cc: (via ECF only) (w/attachments):
All Counsel of Record

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engaged in negotiations with the Settling Defendants to reach a negotiated resolution of the claims against the Settling Defendants in this Action. The Settlements allow Plaintiffs and the Settling Defendants to avoid the risks and costs of lengthy litigation and the uncertainty of pre-trial proceedings, a trial, and appeals. If approved, the Settlements would permit eligible Settlement Class Members, who file timely and valid Proof of Claim and Release Forms, to receive compensation, rather than risk ultimately receiving nothing. Plaintiffs and Plaintiffs' Co-Lead Counsel believe the Settlements are in the best interest of all Settlement Class Members.

YOUR LEGAL RIGHTS AND OPTIONS

| | |
|-------------------------|---|
| FILE A CLAIM | To qualify for payment, you must submit a Proof of Claim and Release Form to the Settlement Administrator. Proof of Claim and Release Forms must be mailed or submitted electronically by August 23, 2021 . |
| EXCLUDE YOURSELF | You can exclude yourself by sending a written "Request for Exclusion" so that it is received no later than August 6, 2021 . |
| OBJECT | If you are a Settlement Class Member and you do not exclude yourself, you can tell the Court what you think about the Settlement. You can object to all or any part of the Settlement, Plan of Allocation, and/or application for attorneys' fees, reimbursement of litigation costs and expenses, and any service awards for Plaintiffs. You can give reasons why you think the Court should approve them or not. The Court will consider your views. Your objection must be received not later than August 6, 2021 . |
| GO TO A HEARING | <p>NEW Fairness Hearing Date. Thursday, October 21, 2021</p> <p>Pursuant to Court order dated September 21, 2021, a copy of which is found in the Documents section, the Fairness Hearing is currently scheduled for Thursday, October 21, 2021 at 10:00 a.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, Courtroom 443. This hearing may be conducted remotely. The remote-access information is contained in that order, which is in the "Documents" portion of this site. PLEASE NOTE THAT THIS FAIRNESS HEARING SCHEDULE DIFFERS FROM THAT CONTAINED IN THE ORIGINAL NOTICE. Please continue to check this website for updates as to date, time, and access information.</p> <p>Please see the Instructions for Courthouse Entry if you plan to attend.</p> |
| DO NOTHING | If you are a Settlement Class Member and you do nothing, you will not get any money from the Settlement. You will remain in the Settlement Class and be bound by the decisions of the Court in this matter. |

received no later than Friday, August 6, 2021.

Objection Deadline. Friday, August 6, 2021

You must mail your objection(s) and/or notice of intent to appear at the Final Approval Hearing so that it/they are received no later than Friday, August 6, 2021.

Claim Form Deadline. Monday, August 23, 2021

You must submit your Claim Form on-line no later than Monday, August 23, 2021, or mail your completed paper Claim Form so that it is postmarked no later than Monday, August 23, 2021.

Fairness Hearing Date. Thursday, October 21, 2021

NOTE THE NEW DATE: Pursuant to Court order dated September 21, 2021, a copy of which is found in the Documents section, the Fairness Hearing is currently scheduled for Wednesday, **October 21, 2021** at 10:00 a.m. **Please note that this Fairness Hearing schedule differs from that contained in the original Notice.**

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9. WHEN AND WHERE IS THE FAIRNESS HEARING?

NOTE THE NEW DATE: Pursuant to Court order dated September 21, 2021, a copy of which is found in the Documents section, the Fairness Hearing is currently scheduled for Wednesday, **October 21, 2021** at 10:00 a.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, Courtroom 443. The Court currently expects to allow participants to attend remotely. The remote-access information is contained in that order, which is in the “Documents” portion of this site. **PLEASE NOTE THAT THIS FAIRNESS HEARING SCHEDULE DIFFERS FROM THAT CONTAINED IN THE ORIGINAL NOTICE.** Please continue to check this website for updates as to date, time, and access information.

At the Fairness Hearing, the Court will determine, among other things, if the proposed Settlement is fair, reasonable, and adequate. The Court will also consider Plaintiffs’ Interim Co-Lead Counsel’s request for attorneys’ fees and reimbursement of litigation expenses.

The time and date of the Fairness Hearing may be continued from time to time without further notice and you are advised to confirm the time and location if you wish to attend. The process for attending remotely may also change without further notice. However, as soon as practicable after any change in the scheduled date and time or remote-access procedures, such change will be posted on this website.

If you are a Class Member, you are entitled to appear, in person or through duly authorized attorneys, and to show cause why the Settlement or other applications should or should not be approved. However, if you wish to appear, you must submit a written statement, along with any materials you wish the Court to consider—see Section III of the Notice. This written statement must be received by the Court (at the address provided above) no later than August 6, 2021, or it will not be considered. Such materials must also be served on Plaintiffs’ Interim Co-Lead Counsel and counsel of record for Deutsche Bank and HSBC at the addresses set forth in FAQ 6 by overnight mail or by hand or they will not be considered.

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10. HOW DO I GET ADDITIONAL INFORMATION?

The Settlement Agreement and other important documents related to these Actions are available in the documents section of this website and also available for review during normal business hours at the office of the Clerk of Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007-1312. If you have questions about the Notice, the procedure for registering, or the Settlement Agreements, you may contact Plaintiffs’ Interim Co-Lead Counsel at the address listed in Section FAQ 6.

DO NOT CONTACT THE DISTRICT COURT OR THE CLERK’S OFFICE REGARDING THIS WEBSITE.

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